

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

MAR 26 1993

OFFICE OF
MANAGING DIRECTOR

Michael J. Wilhelm, Esq.
1350 Connecticut Avenue, N.W.
Suite 905
Washington, D.C. 20036

92-641

Dear Mr. Wilhelm:

This will respond to your request for refund of a hearing fee filed on behalf of Equal Time Broadcasting ("Equal Time") in connection with its construction permit application for a new FM station at Ocean City, Maryland.

You state, and our records reflect, that Equal Time paid the hearing fee, but voluntarily dismissed its application by not filing a Notice of Appearance. Under the circumstances, since Equal Time voluntarily dismissed its application and was not designated for hearing, refund of the hearing fee is appropriate. See 47 C.F.R. §1.1111 (b)(2); see also Proposals to Reform the Commission's Comparative Hearing Process to Expedite the Resolution of Cases, 6 FCC Rcd 157, 158 (1990).

Accordingly, your request is granted. A check, made payable to the maker of the original check and drawn in the amount of \$6,760.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 632-0241.

Sincerely,

Marilyn J. McDermott

Marilyn J. McDermott
Associate Managing Director
for Operations

MICHAEL J. WILHELM
ATTORNEY AT LAW
1350 CONNECTICUT AVENUE, N.W.
WASHINGTON, DC 20036
Suite 905

(202) 785-9117

February 2, 1993

40117 RECEIVED

FEB - 3 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

By Hand

Ms. Donna Searcy, Secretary
Federal Communications Commission
1919 M. Street, N.W. ROOM 222
Washington, DC 20554

ATTN: Office of General Counsel

REF: Refund of Hearing Fee,
Equal Time Broadcasting Corp,
Ocean City, Maryland.

Dear Madam Secretary:

This is a request for refund of the hearing fee paid by Equal Time Broadcasting in the Ocean City, Maryland FM proceeding, Docket 92-64. The applicant did not file a notice of appearance in the case. The check should be made payable to "Michael J. Wilhelm Escrow Account for the Benefit of Equal Time Broadcasting Corp."

Kindly direct any inquiries concerning this matter to the undersigned.

Respectfully submitted,


Michael J. Wilhelm